

October 10, 2003

Paul Dabbs, Bulletin 160  
Department of Water Resources  
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Subject: Effects of Buried Bodies on Recharge Sites Water Quality

Dear Sir:

#### Ownership

The effects of privatization ought to be addressed. The Kern Fan was purchased by your agency twice as apparently a deal is a deal no longer applies when the taxpayer foots the bill. This was turned over for "local control" when, under the Monterey Agreement, land only capable of growing peanuts organically salted in the shell, was retired. This local control is dominated by a foreign corporation, Paramount Farms, who can sell the "local" water whenever the financial whim strikes it. Water is a public trust, but such a necessity, that it must not become a monopoly. After bottled water, will we be forced to buy canned air. Come to think of it this may be appropriate in the lower valley.

Kern Delta considered selling City of Bakersfield's banked water to the Met until legal repercussions became apparent. This would be analogous to the oil industry problem of whipstock drilling into a neighboring company's pool to obtain their resources. Policy on this situation should be addressed by either consensus or brief.

Mark Riesner, author of CADILLAC DESERT, became a mythic cult icon although as a real person he changed his views with the times. He still remains as a cite to justify non-water agendas. He became involved with a recharge scheme in the Madera County area of the San Joaquin River area. The objections to this plan may have been motivated by personal animosity, but the environmental checklist item that carried weight was impacts to downstream hydrology. While this may vary from place to place, it needs to have protocols set now to avoid thirty years of litigation.

Defacto Recharge areas exist such as the mitigation area of Buena Vista Lake. Local taxpayers pay for the "evaporation loss" of water to the DWR. However, there is a problem over how much is evaporation loss and how much is percolation loss. This may cause scandal to those seeing a neighboring landowner gleefully pumping out this water for his own use. Compensatory rates should be established and determination methodologies arrived at.

Duck Refuges should be designated for conjunctive use according to the local geology. Some areas are on clay layers and unsuited for recharge; this is why they were historically marshes. They should not be counted on for quality recharge, but other refuge or duck club areas may be able to perform conjunctive use and thus a calculated reduction in water costs would be equitable.

It would be appropriate to give some relief to those areas providing a public good, the flip side to the situation at Buena Vista Lake. Areas providing mitigating habitat or flood control should always be near the top to access bond monies.

Loopholes, which would allow golf course water hazards to be classified as recharge areas, should be disallowed if the ET rates of the turf do not show the operation to be productive. This would forestall the situation that occurred in the Coachella region where wildlife funds paid for sand traps as leopard lizard habitat.

#### Operations

I will concentrate on design to alleviate problems such as have occurred in the Kern Fan which is in an oil patch. This is also next to a megadairy.

Megadairies need not be a horrendous problem. True, cows are not as environmentally friendly as free range tofus, but they are easier to herd, if not as politically correct. The current use of poplar trees to absorb dairy lagoon waste and provide a supplemental income may be worthwhile. Also dairy manure is nitrogen in a solid state and less prone to run off to streams than anhydrous ammonia which results in fish kills. While the Drinking Water folks of Calfed, now the Bay Delta Authority, have pronounced the San Joaquin Valley to be devoid of fish, they are a source of recreation and protein, if not for the right kind of people. Anhydrous ammonia, stolen from tanks in the field, is a source of reagent for meth lab use. I daresay manure is not as convenient, or palatable, for such usage.

I contend that constant discing to encourage percolation and discourage weeds would have less necessity if there were constant cover on the areas to keep the soil from compacting and weed intrusion. *Dystichlis*, the salt grass, not only absorbs salt, but also volatilizes Selenium. Another plant which takes up Se is *Atriplex Tularensis*, the Bakersfield Saltbush and planting it could get it off the ESA list to the City's benefit. PM 10 escape from the areas will soon have to be minimized if not eliminated by cover cropping.

The Bulletin states that on the eastside of the Valley instead of Se there naturally occurs Arsenic. Marguerite Young of the BDA Drinking Water Program stated: "That's what they want you to believe". While having sandy soil, Area 51 may not be a suitable location for a recharge project. Consensus can only go so far if extraneous beliefs and agendas aren't left at the door.

I am as bad for I asked Bob Potter in the 80s if shot holes for echo location of petroleum reserves, and which may not be properly sealed, could be a vector allowing toxic intrusion into the aquifer at recharge basins. He opined that the problem is greater than at the recharge areas and location records are scanty. While I feel this is a subject for inclusion, perhaps the Div. Of Oil & Gas (DOG) should do it. Got me. So far, the DOG seems to have eaten the homework.

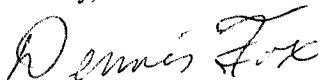
Tulare is Spanish for tules. The tules in the Tulare Basin are why the Indians did not all die of arsenic poisoning but of lead poisoning. Cal Fish & Game tried getting farmers in the area to set up artificial marshes to lure away waterfowl and other life from the toxic evaporation ponds. For financial gain, the Sierra Club sued to halt this mitigation. The Sierra Club Endangered Species Activist, who obviously actively endangers species, stated: "The lawyers said they needed money, so we sent it". While the suits were without merit, the farmers were not inclined to be environmentally concerned and get sued, so they opted out. This is related to show that if the Department is not rigorous in litigation cost recovery of these frivolous suits, they will be ongoing.

The fate of the evap ponds should definitely receive discussion in the Bulletin and the relationship of recharge ponds to them.

As noted, the Dept. of Fish and Game has actively attempted private lands wildlife restoration, and the Federal EQIP program also holds promise, but there has to be the economic incentive of duck hunting for the cooperating landowner. This can be a source of steady income in volatile commodity markets. (Hunting is also a *raison d'être* for much upper watershed restoration.) However, if the recharge elements become sanctuaries, then the incentive for private land restoration into habitat for waterfowl and other species collapses.

While assuming there will be the lawsuits as funding mechanisms previously discussed, both Elvis and I agree that looking for what is missing and should, perhaps, be put into the Bulletin at the draft stage is preferable than later litigation driven rewrites.

Sincerely,



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Received 10/14/03

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Subject: Public Trust, Conveyance, and Lack of Trust

Dear Rich:

I see opening up conveyance facilities and removing local control and responsibility as a two edge sword. First is the allowance of allowing any district to use another's canal.

The Bulletin 160 has failed to address the possibility of privatization over the next 30 years. I have noted that initiatives have been paid instruments of special interests and there is a possibility that when exiting the grocery store the public will be greeted by solicitors saying "Cut your taxes; sign right here". Abraham Lincoln would now observe that "You can fool all of the people some of the time and some of the people all of the time, but out in California you only have to fool 51% of the people once". Bakersfield was almost a victim of a scheme to transfer its water south by a water district partnering with a private corporation. Districts or cities should not be forced to provide the facilities for such aquatic banditry.

Conversly, water conveyance is a prime cause that causes flooding. The conveyance allows agriculture which fills in the ephemeral streams of the Central Valley to increase productive acreage. There are no stream alteration permits in this process and the DWR-Corps study is not considering ephemeral streams. Counties cause the problem as they 'zone for dollars' so there are actually no agencies of responsibilities.

In the Midwest ephemeral floodwaters are captured with small projects and the water table is recharged. This is done under the aegis of the US Dept of Ag as Range Improvement. The grants are given for this cooperative program through Resource Conservation Districts and the flooding area has no active districts, they being replaced by water districts. Therefore, before the suits start, it would be preferable to make the districts take this responsibility. It will benefit their water supply and they have the local edge in getting landowner cooperation. Delano-Earlimart, North Kern and Kaweah Delta WCD have been good examples of floodwater usage.

It is hoped that Buliten 160 will set some guidelines in allowing districts regional veto over flood causing planning. There are not only Public Trust issues involved, but also Environmental Justice. It is better to handle the issues in the Bulletin rather than in the courts.

As usual, Elvis and I continue to comment on what is not in the Bulletin more than what is.

Sincerely,



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